IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 24820 of 2007(D)

PETITIONER:

SULOCHANA,AGED 52,
D/O. LATE PADMANABHAN,KARUMARASSERY HOUSE,
ARIMBUR, PARAKKAD VILLAGE,
THRISSUR.

BY ADV. SRI.P.SANTHOSH (PODUVAL)

RESPONDENTS:

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1. ADDITIONAL DISTRICT MAGISTRATE
THRISSUR.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB-DIVISION,
KERALA STATE ELECTRICTIY BOARD,
AYYANTHOLE.

3. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN,
VYDYUTI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

4. ROSY,D/O. LONAPPAN,
KANJIRATHINGAL HOUSE,
ARIMBUR.

R2 AND R3 BY SC SRI.P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 24820 OF 2007

Dated this the 16th day of August, 2007

JUDGMENT

Petitioner's grievance is that Kerala State Electricity Board is giving electricity connection to the building constructed by the fourth respondent after encroching on the petitioner's property. Ext.P7 is the order issued by the Addl. District Magistrate disposing of the objections of the petitioner and another person. The contention of counsel for the petitioner is that civil dispute in respect of the building constructed by the fourth respondent is pending in civil court and the civil court has ordered status quo based on commission report. If connection is given in the building constructed by the fourth respondent, the same will be in violation of the civil court order of status quo, is the contention of the petitioner. I do not think this Court should settle the dispute between the petitioner and the fourth respondent on merits because civil court is already dealing with the matter. So far as electricity connection is concerned, I feel connection

could be given to the fourth respondent if she is in possession and enjoyment of the disputed building on a provisional basis, which could be considered by the civil court. If the building is not occupied by the fourth respondent and civil court has restrained the same, then of course there is no need to give electricity connection. However, if the fourth respondent is in possession and the civil court permitted the fourth respondent to reside or use the building, then I see no reason why the electricity connection should be denied to the fourth respondent during the pendency of the civil case. W.P. is disposed of leaving freedom to the civil court to decide the matter in an interim application to be filed by the petitioner and civil court shall not issue any adverse order against fourth respondent without hearing her.

Issue photocopy today itself.

(C.N.RAMACHANDRAN NAIR)
Judge